

**ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**

In re:	)	
	)	
Ocean Era, Inc. – Velella Epsilon Facility	)	NPDES Appeal No. 20-09
	)	
NPDES Permit No. FL0A00001	)	
	)	

**ORDER GRANTING STAY**

On October 30, 2020, a consortium of groups, including Center for Food Safety, Friends of the Earth, Recirculating Farms, Tampa Bay Waterkeeper, Suncoast Waterkeeper, Healthy Gulf, Sierra Club Florida, the Center for Biological Diversity, and Food & Water Watch (referred to collectively as “Petitioners”) petitioned the Environmental Appeals Board (“Board”) to review a Clean Water Act (“CWA”) National Pollutant Discharge Elimination System (“NPDES”) permit decision by U.S. Environmental Protection Agency Region 4 (“Region”).

By Motion filed on March 22, 2021, the Region seeks a 60-day stay of proceedings, until May 31, 2021, to allow the Region to fully brief the new Administration officials so that an informed decision can be made prior to the filing of a status report currently due on March 31, 2021. *See* Motion for Stay of Proceedings. In support of the motion, the Region explains that “due to the number of matters on which the new Administration is being briefed, the Region is not able to fully and adequately brief new Administration officials” within the time by which the status report is currently due. *Id.* at 2. The Region states further that “[t]he requested stay will allow the Agency to take actions in this case in a manner consistent with the policies and

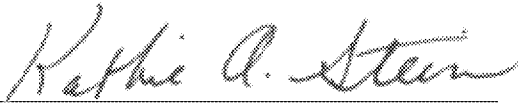
directions in the Board's Order and in the Agency's Executive Order." *Id.* The Region represents that Petitioners do not object to the motion. *Id.*

Based on the Region's representations, the Board **GRANTS** the motion to stay this matter until June 1, 2021. The Region must file a status report with the Board no later than **June 1, 2021** informing the Board whether the Board should proceed with deliberations on this matter, including whether to set this matter for oral argument.<sup>1</sup>

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Dated: Mar 24, 2021

By:   
Kathie A. Stein  
Environmental Appeals Judge

---

<sup>1</sup> Because the Region's proposed deadline of May 31, 2021 falls on the Memorial Day holiday, the Board extended the date until June 1, 2021.

## CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Granting Stay* in the matter of Ocean Era, Inc. – Velella Epsilon Facility, NPDES Appeal No. 20-09, were sent by email to the following persons:

### For EPA:

Paul Schwartz  
U.S. EPA Region 4  
Office of Regional Counsel  
61 Forsyth St., NW  
Atlanta, GA 30303  
[Schwartz.Paul@epa.gov](mailto:Schwartz.Paul@epa.gov)  
Tel. (404) 562-9576

Steven Neugeboren  
Assoc. General Counsel  
Water Law Office  
U.S. EPA Office of General Counsel  
Mail Code: 2310A  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)  
Tel: 202-564-5488

Elise M. O'Dea  
Tracy L. Sheppard  
Stephen J. Sweeney  
Richard T. Witt  
Office of General Counsel  
U.S. EPA  
Washington, DC 20004  
[Odea.elise@epa.gov](mailto:Odea.elise@epa.gov)  
[Sheppard.tracy@epa.gov](mailto:Sheppard.tracy@epa.gov)  
[Sweeney.Stephen@epa.gov](mailto:Sweeney.Stephen@epa.gov)  
[Witt.Richard@epa.gov](mailto:Witt.Richard@epa.gov)

### For Petitioners:

Meredith Stevenson  
Sylvia Shih-Yau Wu  
Center for Food Safety  
303 Sacramento Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94111  
[swu@centerforfoodsafety.org](mailto:swu@centerforfoodsafety.org)  
[mstevenson@centerforfoodsafety.org](mailto:mstevenson@centerforfoodsafety.org)  
Tel: (415) 826-2770

### For Ocean Era, Inc.:

Neil Anthony Sims  
Ocean Era, Incorporated  
P.O. Box 4239  
Kailua-Kona, HI 96745  
[neil@ocean-era.com](mailto:neil@ocean-era.com)  
Tel: (808) 989-2438

Dated: Mar 24, 2021



Eurika Durr  
Clerk of the Board